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 ACTION L-01

INFO	LOG-00	AF-01	AID-01	CIAE-00	DODE-00	DS-00	EUR-01
	H-01	INR-00	IO-16	JUSE-00	ADS-00	NSAE-00	NSCE-00
	OIC-02	OIG-04	OMB-01	PA-01	PM-00	PRS-01	P-01
	SNP-00	SP-00	SS-00	TRSE-00	T-00	USIE-00	PMB-00
	DSCC-00	DRL-09	G-00	/040W			
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P 080939Z AUG 94
 FM AMEMBASSY THE HAGUE
 TO SECSTATE WASHDC PRIORITY 4636
 INFO AMEMBASSY BEIJING PRIORITY
 AMEMBASSY KAMPALA PRIORITY
 USMISSION GENEVA PRIORITY
 AMEMBASSY MOSCOW PRIORITY
 AMEMBASSY PARIS PRIORITY
 AMEMBASSY LONDON PRIORITY
 AMEMBASSY BRUSSELS PRIORITY
 AMEMBASSY BUJUMBURA PRIORITY

C O N F I D E N T I A L THE HAGUE 004886

STATE FOR L MICHAEL J. MATHESON
 KAMPALA PASS AMBASSADOR RAWSON KIGALI

E.O. 12356: DECL: OADR
 TAGS: PREL, PHUM, RW, UK, US, CH, RS, FR
 SUBJECT: RWANDA WAR CRIMES

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 1. CONFIDENTIAL ENTIRE TEXT.

2. SUMMARY: ON AUGUST 5, DEPARTMENT LEGAL ADVISER CONRAD HARPER AND DEPUTY LEGAL ADVISER MICHAEL MATHESON DISCUSSED RWANDA WAR CRIMES ISSUES WITH UK FCO LEGAL ADVISER BERMAN IN LONDON; ON AUGUST 6, MATHESON DISCUSSED SAME ISSUES WITH NETHERLANDS LEGAL ADVISER BOS, BELGIAN CABINET ADVISER RIETJENS AND TRIBUNAL - DEPUTY PROSECUTOR BLEWITT. BOS, RIETJENS AND BLEWITT AGREED ENTIRELY WITH U.S. APPROACH. BERMAN DID NOT EXPRESS OPPOSITION, BUT QUESTIONED WHETHER INTERNATIONAL.

PROSECUTION WAS A GOOD USE OF SCARCE RESOURCES AND ASKED
WHY RWANDA COULD NOT HANDLE PROSECUTIONS ON A NATIONAL
BASIS. END SUMMARY.

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3. WE PROVIDED BERMAN, BOS, RIETJENS AND BLEWITT WITH
CLEARED US PROPOSAL ON STRUCTURING OF RWANDA WAR CRIMES
PROSECUTIONS, AND EXPLAINED IN DETAIL THE REASONS FOR
OUR PROPOSAL AND THE NEED TO PROCEED ON AN URGENT BASIS.

4. BERMAN DID NOT SAY UK OPPOSED INTERNATIONAL
PROSECUTIONS, BUT HE DID ASK A SERIES OF QUESTIONS
SUGGESTING A SKEPTICAL BRITISH ATTITUDE. SPECIFICALLY,
HE ASKED WHY RWANDAN COURTS COULD NOT HANDLE
PROSECUTIONS; WE CITED COLLAPSE OF RWANDAN JUDICIAL
SYSTEM, LIKELY HUTU PERCEPTION OF RWANDAN TRIALS AS
TUTSI REVENGE, AND UNLIKELYHOOD THAT AUTHORITIES IN
RWANDA WOULD GET CUSTODY OVER OFFENDERS WHO HAD FLED TO
ZAIRE AND ELSEWHERE. HE ASKED WHAT LEGAL BASIS FOR
INTERNATIONAL TRIALS WOULD BE; WE CITED YUGOSLAV
PRECEDENT AND SECURITY COUNCIL'S CHAPTER VII AUTHORITY
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IN LIGHT OF THREAT TO PEACE POSED BY CURRENT UNSTABLE
SITUATION, PARTICULARLY IF KIGALI AUTHORITIES PURSUE
REVENGE TRIALS OR CRIMES GO UNPUNISHED. HE ASKED
WHETHER THIS WOULD BE EFFECTIVE USE OF RESOURCES; WE
CITED SAVINGS IN TIME AND RESOURCES THAT COULD BE MADE
BY UTILIZING THE INSTITUTIONAL ARRANGEMENTS JUST CREATED
IN THE HAGUE, AS SUGGESTED IN U.S. PROPOSAL. BERMAN DID
NOT GIVE US THE IMPRESSION THAT THE UK WOULD FIGHT THIS
VERY HARD.

5. BOS, RIETJENS AND BLEWITT ALL FAVORED THE U.S.
PROPOSAL. RIETJENS WAS PARTICULARLY ENTHUSIASTIC,
SAYING THAT BELGIAN PUBLIC OPINION WAS DEMANDING
ACTION. ALL THREE AGREED THAT CREATING SEPARATE
TRIBUNALS WAS A BAD IDEA, WHICH COULD LEAD TO
DISPARITIES IN LEGAL INTERPRETATION AND WASTED
DUPLICATION OF EFFORT. BLEWITT CONFIRMED THAT GOLDSTONE
WAS INTERESTED IN SUPERVISING BOTH EFFORTS, AND THOUGHT
THE ENTIRE OPERATION COULD BE EFFICIENTLY HANDLED IN THE
TRIBUNAL BUILDING IN THE HAGUE (ONLY ONE-THIRD OF WHICH
IS OCCUPIED BY YUGOSLAV OPERATION).

6. MINIMIZE CONSIDERED. DORNBUSH

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